

CITY OF MUSKEGON

CITY COMMISSION MEETING

JANUARY 13, 2009

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, January 13, 2009.

Mayor Warmington opened the meeting with a prayer from Pastor Trent Williams from the Zion Baptist Church after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioners Sue Wierengo, Steve Wisneski, Chris Carter, Clara Shepherd and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

2009-02 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the December 8th Commission Worksession, and the December 9th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Risk Avoidance Program (RAP) Grant. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety is requesting approval to accept a Risk Avoidance Grant (RAP) in the amount of \$2,625. This grant will be utilized to purchase Ready Buckle Restraints for all of the marked police cruisers. This grant represents 50% of the funding for the restraint system.

The Ready Buckle Restraint system makes it easier and is safer for the police officers when they are securing a handcuffed individual in the rear seat of a police cruiser.

FINANCIAL IMPACT: The remainder of the funds will be drawn from the Equipment Fund.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the agreement.

D. Amendment to the Zoning Ordinance – Temporary Buildings, Structures and Uses. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2334, #1 (Temporary Buildings, Structures, and Uses) of Article XXIII (General Provisions) to include “movie production” structures as permitted temporary buildings.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to include “movie production” structures as permitted temporary buildings.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their December 11th meeting. The vote was unanimous with B. Mazade, B. Smith, and J. Aslakson absent.

E. Metro PCS Tower Lease Agreement. PUBLIC WORKS

SUMMARY OF REQUEST: Metro PCS Michigan, Inc. a Delaware Corporation and the Department of Public Works have been in negotiations to enter into an agreement to allow Metro PCS to lease space and install antennas and communication equipment on the Nims Street Water Tower.

FINANCIAL IMPACT: Monthly rental will begin at \$1,700 per month to be escalated at the rate of 3% per year starting in 2009, including any renewal terms. Revenue generated from the rental of the space shall be used to offset Water Tank Maintenance Projects.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Lease Agreement and to authorize the Mayor and Clerk to sign the agreement.

F. Response Agreement-Department of Veteran Affairs Police. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety is requesting approval to enter into a cooperative agreement with the United States Department of Veteran Affairs Police. This agreement, known as a “threshold agreement”, coordinates public safety response to Veterans Affairs offices within the City, specifically: 165 East Apple Avenue, Suite 201. There are no costs associated with this agreement.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the agreement.

G. Budgeted Vehicle Replacement – Two 2009 Ford F-150s. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase two 2009 Ford F-150's.

FINANCIAL IMPACT: \$45,324.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase using State of Michigan Purchasing Program.

H. Budgeted Vehicle Replacement – Seven 2009 Crown Victorias. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase seven 2009 Crown Victorias.

FINANCIAL IMPACT: \$149,079.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase from Great Lakes Ford.

I. Special Events – Multiple Liquor License Request for Racquets Downtown Grill. LEISURE SERVICES

SUMMARY OF REQUEST: Racquets Downtown Grill (in partnership with the Muskegon Jaycees) is requesting an extension of their liquor license to host their annual SnowFest event on February 5, 6, and 7, 2009. The first license is held by Linne Lodge #57, Independent Order of Vikings, for their Winterfest event on February 6, 7, and 8, 2009.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

COMMITTEE RECOMMENDATION: The Leisure Services staff approved this request in December, 2008.

J. Recommendations for the Various Boards and Committees. CITY CLERK

SUMMARY OF REQUEST: To concur with the recommendations from the Community Relations Committee regarding appointments and resignations.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

COMMITTEE RECOMMENDATION: The Community Relations Committee recommended approval at their January 5, 2009, meeting.

Motion by Commissioner Carter, second by Commissioner Shepherd to approve the Consent Agenda as read minus items C, K, and L.

ROLL VOTE: Ayes: Wierengo, Wisneski, Carter, Gawron, Shepherd, Spataro, and Warmington

Nays: None

MOTION PASSES

2009-03 ITEMS REMOVED FROM THE CONSENT AGENDA:

C. Rezoning Request for Properties Located at 1264 Terrace Street and 185 E. Isabella Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone the properties located at 1264 Terrace Street and 185 E. Isabella Avenue, from R, One Family Residential District to OSR, Open Space Recreation District.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their December 11th meeting. The vote was unanimous with B. Mazade, B. Smith, and J. Aslakson absent.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the rezoning request for properties located at 1264 Terrace Street and 185 E. Isabella Avenue.

ROLL VOTE: Ayes: Carter, Gawron, Shepherd, Spataro, Warmington, Wierengo, and Wisneski

Nays: None

MOTION PASSES

K. Gaming License Request for USS LST 393 Preservation Association. CITY CLERK

SUMMARY OF REQUEST: The USS LST 393 Preservation Association is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a Gaming License. They have been recognized as a 501(c)(3) organization by the State.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the Gaming License Request for USS LST 393 Preservation Association.

ROLL VOTE: Ayes: Wisneski, Carter, Gawron, Shepherd, Spataro, Warmington, and Wierengo

Nays: None

MOTION PASSES

L. Liquor License Transfer Request for CJ's on the Beach, LLC, 1601 Beach Street. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from CJ's on the Beach, LLC, to transfer ownership of the 2008 Class C and SDM Licensed Business with Outdoor Service

(2 Areas), Dance-Entertainment Permit, Drive-up Window without Alcohol Beverage Sales, and 2 Bars located at Pere Marquette Park, 1601 Beach Street, Pavilion Bldg., from BLMC Enterprises, Inc.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

Motion by Commissioner Wisneski, second by Commissioner Spataro to approve the liquor license transfer request for CJ's on the Beach, LLC.

ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, Wisneski, and Carter

Nays: None

MOTION PASSES

2009-04 PUBLIC HEARINGS:

A. Request for an Industrial Facilities Exemption Certificate for AFI Machining. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, AFI Machining, 1920 Port City Blvd., has requested the issuance of an Industrial Facilities Tax Exemption Certificate. The total capital investment will be \$1,366,766 in personal property and will create between four to eight jobs within the first two years of project completion. This qualifies them for a tax abatement of seven years under the current City policy. However, since this project has the potential of creating 50-75 jobs within the next three to five years, the applicant would like to apply for a 12-year abatement.

FINANCIAL IMPACT: The City will capture certain additional property taxes generated by the expansion.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the resolution granting an Industrial Facilities Exemption Certificate for a term of 12 years for personal property.

The Public Hearing opened to hear and consider any comments from the public. Comments were heard from Steve Kutches, President of AFI Machining, 1920 Port City Blvd.; and from Leland Davis, 125 Delaware.

Motion by Commissioner Carter, second by Commissioner Spataro to close the Public Hearing and approve the Industrial Facilities Exemption Certificate for AFI Machining for 12 years.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Wierengo, Wisneski, Carter, and Gawron

Nays: None

MOTION PASSES

B. Request for an Industrial Facilities Exemption Certificate for AFI Hole

Drill. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, AFI Hole Drill, 1920 Port City Blvd., has requested the issuance of an Industrial Facilities Tax Exemption Certificate. The total capital investment will be \$576,536 in personal property and will create between two to four jobs within the first two years of project completion. This qualifies them for a tax abatement of six years under the current City policy. However, since this project has the potential of creating 50-75 jobs within the next three to five years, the applicant would like to apply for a 12-year abatement.

FINANCIAL IMPACT: The City will capture certain additional property taxes generated by the expansion.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the resolution granting an Industrial Facilities Exemption Certificate for a term of 12 years for personal property.

The Public Hearing opened to hear and consider any comments from the public. No comments were made.

Motion by Commissioner Wisneski, second by Commissioner Shepherd to close the Public Hearing and approve the resolution granting an Industrial Facilities Exemption Certificate for AFI Hole Drill for a term of 12 years.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Wisneski, Carter, Gawron, and Shepherd

Nays: None

MOTION PASSES

2009-05 NEW BUSINESS:

A. Liquor License Request for Muskegon Athletic Club, LLC, 333 Western, Suite B. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Muskegon Athletic Club, LLC, for a new Additional Bar Permit for a total of 2 Bars and a new SDM License to be held in conjunction with the 2008 Class C License with Sunday Sales Permit, Dance-Entertainment Permit, Outdoor Service (1 area), and Official permit (food) located at 333 Western, Suite B.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the liquor license request for Muskegon Athletic Club, LLC, 333 Western, Suite B.

ROLL VOTE: Ayes: Warmington, Wierengo, Wisneski, Carter, Gawron, Shepherd, and Spataro

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: County Commissioners Charles Nash and Bill Gill invited the Commission and City of Muskegon to the Great Lakes Naval Memorial and Museum February events to honor Black History Month. Veterans Recognition Night is Friday, February 27th.

ADJOURNMENT: The City Commission Meeting adjourned at 6:20 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk